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RESEARCH BRIEF

THE 1%: DOING BUSINESS WITH PROXY MILITARY COMPANIES

EXECUTIVE SUMMARY

The Private Military and Security Company (PMSC) industry is vast and varied. Most companies in this sector operate within clear boundaries, offering services like site protection or equipment maintenance. But a small, disruptive subset—the '1%'—defies conventional definitions. These are not your typical security firms. Instead, they act as covert tools of state power, blurring the lines between private businesses, state actors, and mercenaries. With their strong ties to authoritarian regimes, single-client dependency, and mercenary-like operations, these atypical PMSCs—what this paper will make a case to call 'proxy military companies'—represent a serious challenge to global stability, accountability, and the rule of law.

This research brief explores the evolution of PMSCs, from their historic roots in mercenarism to their modern-day role in hybrid warfare. In the past, firms like these provided logistical and combat support during conflicts in Iraq and Afghanistan, but their activities were often overshadowed by scandals, such as the 2007 Nisour Square Massacre. Efforts like the Montreux Document and the International Code of Conduct (ICoC) aimed to restore legitimacy to the industry by establishing accountability and clearer guidelines. While these measures have had some success with conventional PMSCs, they have failed to address the rise of a new kind of actor—one that thrives in legal gray zones and operates with the direct backing of states.

The paper focuses on this small but increasingly influential group of atypical PMSCs, such as Russia's Wagner Group, Türkiye's SADAT, and the UAE's outsourced combat surrogates. These entities are not independent, market-driven businesses. Instead, they are deeply intertwined with state policies, acting as covert tools to project power abroad while offering plausible deniability to their sponsors. Their operations—ranging from combat surrogacy and resource exploitation to hybrid warfare—do not just challenge international norms; they erode them. By taking advantage of gaps in international law and existing regulatory frameworks, these groups lower the threshold for conflict and escape accountability for their actions.

This paper argues that the term 'PMSC' fails to capture the true nature of these entities and proposes reclassifying them as 'proxy military companies' or 'contractual proxies.' This shift in terminology is more than just semantic—it is about recognizing their hybrid nature and the unique challenges they pose. These entities are not merely

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rogue businesses; they are extensions of state power, deliberately designed to operate in the shadows of accountability. Understanding this distinction is critical to developing effective regulatory and legal responses. Accountability, however, will require more than just new terminology. The paper identifies key tools for exposing and regulating these actors, including open-source intelligence (OSINT), strategic litigation, and targeted sanctions. OSINT—using publicly available data like satellite imagery, social media posts, and leaked documents—can shine a light on the secretive operations of proxy military companies, making their actions visible to the public and policymakers alike. Strategic litigation and sanctions can then hold both individuals and entities accountable, targeting the command structures and financial networks that allow these companies to thrive. Combined, these approaches can create real pressure, disrupting their operations and exposing the ties between states and their proxies.

At its core, this paper argues for a fundamental shift in how the international community understands and responds to the challenges posed by these actors. The rise of proxy military companies reflects deeper cracks in the legal and regulatory frameworks governing modern conflict. Addressing these gaps will require multilateral cooperation, sharper legal tools, and a commitment to holding not only the companies but also their state sponsors accountable.

Through its analysis, this paper seeks to not only highlight the growing influence of these hybrid actors but also propose pathways to rein in their destabilizing impact. From the historical context of mercenaries to the modern realities of proxy warfare, it offers a roadmap for adapting international norms to the complexities of today's conflicts. Informed by desk research, practitioner insights, and expert discussions convened by the Geneva Academy, this paper is a call to action for policymakers, legal experts, and civil society to confront a growing threat that cannot be ignored.

HISTORICAL REFRACTION

The interchangeable use of terms such as 'contractor', 'mercenary' and 'foreign fighter' in common parlance and media reports has contributed to the conceptual ambiguity surrounding 'PMSCs'.[1] This has led to a vast misunderstanding of what it means to be a mercenary or a contractor, uncertainty about why one should intuitively evoke concern while the other does not, and confusion about whether they are any different in the first place.[2]

To bring clarity to the discussion, a brief historical overview is in order.

From the outset, it is important to understand that the practice of 'outsourcing' military functions to irregular forces, such as the historical mercenary, is not new. Instead, the mercenary trade has been described in the literature as 'the world's second-oldest profession'[3] and 'as old as conflict itself,'[4] with roots that can be traced back millennia. As McFate explains, this phenomenon has been a constant presence throughout military history, from ancient times to the Middle Ages and beyond. They fought for biblical kings, served as the backbone of armies in ancient Greece, Carthage, and Rome, and played important roles in the Norman Conquest and the Crusades.[5] During the Middle Ages, mercenaries like the Varangian Guard or the Free Companies became indispensable, hired by rulers, city-states, and even the papacy. In Renaissance Italy they were known as *condottieri*—'contractors' in both name and function. These mercenaries of the 16th century organized into 'free companies,' the historical precursors to today's private military firms. The Thirty Years' War (1618–1648) marked the height of mercenary warfare, with entire regiments leased by wealthy entrepreneurs to warring states.[6] However, the devastation wrought by rogue mercenary units during that period led to the Peace of Westphalia in 1648, which initiated the shift toward state-controlled armies and an end to the free market for force in Europe.[7] The Westphalian Order made the state monopoly on the use of force the norm. War became almost exclusively an inter-state affair, and mercenaries were stigmatized and forced into the shadows.[8]

Despite its hiatus and stigmatization, the phenomenon of 'guns-for-hire' resurfaced during Africa's decolonization process,[9] as countries that had once relied on the U.S. or Soviet Union for military and security support suddenly found themselves seeking alternatives. Confronted with many security challenges and few good options, many African regimes turned to mercenaries, now euphemistically referred to as 'private military contractors'. These contractors provided immediate relief, but their involvement often failed to address the underlying issues of governance and long-term stability.[10] And yet, the industry thrived, in great part due to the notable successes of Executive Outcomes in Angola (1993–1997), where they countered rebels from the National Union for the Liberation of Angola (UNITA), and in Sierra Leone (1995), where they fought against Revolutionary United Front (RUF) rebels.[11]

Until recently, PMSCs had, in many ways, become synonymous with the United States' War on Terror, particularly in the context of the conflicts in Iraq and Afghanistan. During these wars, the United States relied heavily on contractors to augment its military operations, deploying them alongside soldiers at unprecedented ratios—at times exceeding 1:1.[12] At the height of the conflicts, contractors accounted for more than half of the U.S. force structure in Iraq and an astonishing 70 percent in Afghanistan. Their contributions were not limited to logistical support; they bore substantial risks as well. In 2003, contractor fatalities represented just 4 percent of total casualties. However, as the conflicts intensified, contractor deaths eventually outnumbered those of uniformed personnel, underscoring their integral yet perilous role.[13] The functions performed by PMSCs during this period were diverse, encompassing logistics, transportation, equipment maintenance, infrastructure construction, translation services, troop training, and auxiliary security operations. These firms effectively operated as force multipliers, providing crucial support to U.S. combat operations.[14]

However, the rapid expansion of the private military industry has not been without significant controversy. Blackwater, in particular, has come to symbolize the industry's darker side. Despite not ranking among the top ten contractors by revenue during the Iraq and Afghanistan wars,[15] Blackwater nevertheless was singularly put into the spotlight for all the wrong reasons. The 2007 Nisour Square Massacre, in which Blackwater guards escorting a U.S. convoy killed 17 Iraqi civilians and injured 20 others, triggered the widespread perception of private contractors as lawless, opportunistic, and ruthless hired guns.[16] Conflict and fragility may be good for business, but making global headlines because of indiscriminate killings, evidently, is not.[17]

Some may question why incidents such as the Nisour Square Massacre did not result in a blanket prohibition on outsourcing the 'M' in PMSC services. After all, the event sparked widespread condemnation and was far from

being an isolated case of misconduct.[18] The persistence of such practices can be partly explained by the structural challenges that states face. Many governments, whether due to limited resources or a lack of political will, find themselves either unable or unwilling to provide adequate public security.[19] This creates a vacuum that private military companies are uniquely positioned to fill, despite the controversies surrounding their conduct.[20]

Military outsourcing also fulfills broader strategic objectives in both domestic and international arenas. Domestically, it offers states a mechanism to conduct military operations while minimizing political costs. By limiting official casualty counts and operating beyond the purview of standard parliamentary oversight mechanisms, privatization reduces the political exposure typically associated with the deployment of national armed forces.[21]

Furthermore, since PMSCs predominantly rely on home-state and third-country nationals for their workforce, outsourcing alleviates the need for states to commit their own citizens to military operations. This shift effectively transfers a substantial portion of the human and ethical burden of warfare onto foreign personnel, mitigating the direct political and social repercussions for the contracting state.[22]

On the international stage, PMSCs provide states with the flexibility to sustain a military presence in politically sensitive regions where the deployment of regular forces may prove logistically impractical, diplomatically contentious, or even a violation of international law. Crucially, the structural independence of PMSCs from state apparatuses enables them to offer a degree of 'plausible deniability.'[23] This characteristic has allowed states to circumvent legal and diplomatic constraints while pursuing their strategic goals. A notable example can be found in Croatia's engagement of the American-registered private military contractor Military Professional Resources Inc. (MPRI) during the Balkan Wars of the 1990s.[24] By contracting MPRI to train its armed forces, Croatia advanced its military capabilities while the United States achieved its strategic objective of countering Serbian influence. Importantly, this was accomplished without requiring U.S. congressional approval and in direct defiance of the arms embargo imposed by United Nations Security Council (UNSC) Resolution 713.[25]

In sum, the outsourcing of military functions highlights a broader historical continuity: mercenarism can be interpreted as a transhistorical and universal phenomenon that has resurfaced under a new guise—Private Military and Security Companies. Its enduring appeal has a clear and pragmatic logic: hiring a military force is simply more cost-effective, both financially and politically, than maintaining a standing army.

Some interpret this phenomenon as an anachronism within the framework of the Westphalian Order. Its resurgence may indicate one of two possibilities. It may either signal the decline of the Westphalian Order—implying a return to an age of disorder and the resurgence of neo-medievalism—or its localized resurgence suggests that certain actors, those regarded as others, are perceived as lagging behind in reaching the present order. Percy, analyzing Libya in 2011, argued that 'Gaddafi's reasons for relying on foreign fighters would make perfect sense to medieval kings or rulers of the Italian city-states in the 15th century.'[26]

Yet, viewing mercenarism as merely an anachronism is problematic. Crovisier and Childs argue that the 'contemporary concept of a mercenary did not emerge until the 18th century.'[27] Riemann supports this view, contending that the defining characteristics of mercenaries—foreignness and self-interest—are fundamentally modern constructs. The idea of foreignness assumes the existence of a modern nation-state system with clearly defined citizenship, while self-interest relies on the modern notion of an autonomous individual capable of independent decision-making, a concept that only took shape in the late 18th century. These points suggest that mercenarism should not be seen as an unchanging, transhistorical concept but rather as a historically contingent category shaped by specific social, political, and economic conditions.[28]

To fully understand historical mercenaries, we must resist the temptation to retroactively impose modern definitions on them. Instead, we need to explore the distinct historical contexts that shaped their roles and controversies in their own time. As Riemann argues, this means focusing on the interconnected processes, practices, and ideas of each period. Rather than treating these groups as fixed, timeless phenomena, we must analyze how each emerged from particular historical circumstances and how their meanings have shifted over time.[29]

By embedding these actors within their historical contexts, we gain a deeper and more accurate understanding not only of their roles but also of how societies have continuously redefined their significance in response to changing social, political, and cultural conditions.[30] Importantly, we would argue that accurately understanding their significance helps us address the challenge more effectively, notably to ensure justice and access to remedy

for victims.

The following section examines the unique characteristics of what may be considered outliers among modern PMCs—the so-called '1%'. Specifically, it explores the challenges inherent in defining and categorizing these entities, as well the limitations of existing legal frameworks and initiatives in effectively addressing their often ambiguous nature and role.

MODERN PMSCS: NEITHER FISH, FLESH, NOR FOWL

The parables of the Russian self-declared Private Military Company (PMC) Wagner Group are widely recognized and, more importantly, have reignited debates surrounding the impact and legitimacy of private military and security providers. Today, a small but influential number of PMSCs have integrated 'mercenary-like' services into their core operations. Acting as combat surrogates, these companies are increasingly deployed as primary forces in ground combat missions. Their roles extend beyond direct battlefield engagement to include the coordination of broader military operations.[31] This involves close collaboration with local military groups to achieve strategic objectives and the seamless integration of supporting auxiliaries such as air support, artillery units, and logistical teams. Such involvement allows states or sponsors to maintain plausible deniability while benefiting from the tactical expertise and organizational flexibility provided by these entities. As Swed and Burland aptly caution, 'This type of usage blurs the lines between mercenaries and PMSCs, when PMSCs are treated as part of the core military efforts and not as a supplement to that core function. (...) The use of PMSCs to advance foreign policy interests abroad via full-scale combat in an undeclared war takes an alarming turn back toward mercenarism and Cold-War-style proxy warfare.'[32]

The informal resurgence of mercenarism is deeply problematic for several reasons, but the issue is particularly significant from a legal perspective. This problem manifests in two key ways. First, due to the prevailing legal dissonance and deliberate obfuscation, these emerging entities evade classification as mercenaries (as will be discussed below). Instead, they adopt the label of 'PMSC,' benefiting from the legitimacy that the industry has arduously established over time.[33] This rebranding persists despite the fact that these groups resemble paramilitary proxies more than commercially oriented businesses. This phenomenon is akin to calling a wolf a sheep in order to admit it into the fold, with all the consequences such misclassification entails. Second, this legal ambiguity fosters a culture of near-total impunity. The absence of clear lines of accountability has resulted in only a few successful cases brought against these entities. Recent legal developments have largely focused on holding individuals criminally accountable,[34] rather than addressing the structural and systemic issues posed by modern PMSCs' growing role in armed conflicts.

NOT STATES

PMSCs are fundamentally distinct from sovereign states under international law. Sovereign states are required to meet four essential criteria: a defined territory, a permanent population, a functioning government, and the capacity to engage in independent international relations, as established by the 1933 Montevideo Convention.[35] PMSCs, by their very nature, lack these attributes. They do not possess territorial sovereignty, governance structures, or populations over which they exercise control. Moreover, PMSCs are not state organs by design—a distinction that is both legally significant and operationally strategic. This separation from statehood is not a mere academic nuance; rather, it constitutes a foundational aspect of their operational utility. The effectiveness and desirability of PMSCs stem precisely from their non-sovereign status. Freed from the constraints that bind state militaries, they enjoy greater economic and political flexibility, enabling them to operate in ways that would be unfeasible for conventional state forces.[36] What we see today is a straightforward evolution: the new clientele of PMSCs has drawn lessons from the histories of firms like Executive Outcomes, Sandline International, and MPRI. These actors now understand the value of privatized military forces, adapting these models to suit their specific preferences and, in many cases, their questionable objectives.

NOT MERCENARIES

The mercenary profession may, according to some, be the second oldest in the world.[37] However, today, the moniker is simply bad for business. Eeben Barlow of Executive Outcomes and Tim Spicer of Sandline International realized as early as the 1990s that adopting a corporate facade could provide the illusion of greater responsibility and social legitimacy. Why? Because it distances companies from the reckless image of guns-for-hire working purely for profit, untethered to any greater cause.[38] As Clapham puts it, labeling someone a mercenary 'suggests that they are tainted with illegality and illegitimacy.'[39] Similarly, as Casiraghi and Cusumano have demonstrated, in American and British

politics, whether one is called a mercenary or a contractor is a choice whether or not to stigmatize, largely shaped by nationalism and politico-economic preferences.[40]

But does this distinction really matter in legal terms? Arguably, not as much as one might assume. The anti-mercenary norm is often described as a case of 'strong norm, weak law.'[41] While the discourse surrounding mercenaries is rhetorically potent, its actual legal influence remains relatively limited. To date, only three international treaties directly address mercenaries. Article 47(2) of the First Additional Protocol to the Geneva Conventions (AP I) defines a mercenary as any person who meets six cumulative criteria: (a) recruitment specifically for participation in an armed conflict; (b) direct participation in hostilities; (c) a primary motivation of personal gain, with compensation promised that is substantially higher than that paid to equivalent members of the regular armed forces; (d) neither being a national nor a resident of the involved parties; (e) not being a member of the armed forces of any party to the conflict; and (f) not being sent by a state that is uninvolved in the conflict in an official capacity. The consequences of meeting this definition are serious. Under international law, mercenaries are denied combatant and prisoner of war (POW) status in international armed conflicts. Stripped of these protections, they fall outside the legal frameworks that safeguard regular soldiers under the Third Geneva Convention. The 1977 Organisation of African Unity (OAU) Convention for the Elimination of Mercenarism in Africa[42] and the 1989 International Convention Against the Recruitment, Use, Financing and Training of Mercenaries (the UN Convention)[43] go slightly further in their scope. Unlike AP I, which applies exclusively to international armed conflicts, the OAU and UN Conventions extend their coverage to both international and non-international conflicts. They also refine the definition of a mercenary. For instance, the OAU Convention omits the requirement that mercenaries receive pay 'substantially in excess' of that offered to regular soldiers, while the UN Convention eliminates the criterion of direct participation in hostilities. These conventions also differ in their objectives: the OAU and UN Conventions aim to criminalize mercenary activity, whereas AP I focuses on regulating it during armed conflict.[44]

Arguably, the international law on mercenaries is a needle too fine to sew any fabric; the extreme narrowness of the definitions of mercenary has made it almost compulsory in the literature to refer to Geoffrey Best's famous saying that 'any mercenary who cannot exclude himself from this definition deserves to be shot—and his lawyer with him'.[45] To be sure, there is merit to the claim that the narrowness of the law risks irrelevance.[46] For example, the focus on a mercenary's motivation for money does not capture the increasing trends of non-pecuniary motivations and incentives such as offers of citizenship or reduction of prison terms.[47] Similarly, the criterion that an individual must not be 'a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict' would, for instance, disqualify Wagner from being classified as mercenaries in Ukraine.[48] Perhaps even more striking is the 'loophole' that allows states to recruit foreign individuals, provided they are formally integrated into their armed forces. To illustrate, this means that Colombian fighters recruited by the United Arab Emirates to fight in Yemen[49] cannot be classified as mercenaries under international law—even when their motivations are purely financial.[50] This may seem like a flaw, but as Cameron and Chetail argue, it might be better understood as an intentional feature of the anti-mercenary norm. When foreign fighters are integrated into state militaries through official and lawful processes, state responsibility becomes clear, and international humanitarian law (IHL) can be applied more effectively.[51]

Admittedly, this interpretation suggests that under international law, mercenary-like practices may continue unchecked, doing little to prevent the influx of mercenary-like individuals into armed conflicts worldwide. However—and this is key—what this situation truly highlights is the lack of domestic criminalization of such foreign fighters. Nothing prevents national legislation from prohibiting its nationals from participating in foreign conflicts for financial gain. Therefore, it would be more appropriate to direct scrutiny toward states' lack of legal frameworks on mercenaries rather than focusing solely on the shortcomings of international law.

NOT PMSCS

The term 'PMSC' is not a legal term of art. Initially coined as a euphemism for organized mercenarism, it has since evolved into a more palatable descriptor for legitimate, commercially-oriented enterprises. In the Montreux Document, PMSCs are described as 'private business entities that provide military and/or security services, irrespective of how they describe themselves. Military and security services include, in particular, armed guarding and protection of persons and objects, such as convoys, buildings, and other places; maintenance and operation of weapons systems; prisoner detention; and advice to or training of local forces and security personnel.'[52]

At the same time, there has been significant growth in the body of law addressing the human rights obligations of businesses. Key examples include the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, and the Voluntary Principles on Security and Human Rights.[53] Documents like the Montreux Document and the International Code of Conduct for Private Security Providers (ICoC) represent important attempts at transnational regulation, aiming to bridge the gap between the traditional legal concept of mercenaries and the reality of modern corporate military and security providers—something treaty law has left largely unaddressed.

However, a twofold problem arises here. First, the term 'PMSC' is necessarily broad, as it must accommodate the narrowness of treaty law on mercenaries. Efforts to categorize and differentiate such entities based on the services they provide have gained popularity but fail to account for the fact that PMSCs often operate across a wide spectrum of activities.[54] This potential overinclusiveness unintentionally creates an illusion of moral equivalence—equating, for example, quasi-mercenaries operating in Libya with G4S security guards stationed at a Belgian airport. Second, overinclusion leads to the risk that transnational regulation will attempt, misguidedly, to address entities that are neither commercially driven nor market-based. This issue is exemplified by Russia's, Türkiye's, and the UAE's use of so-called PMSCs. As will be discussed further below, the belief that transnational regulation—whether or not these states are signatories to relevant legislation—along with market incentives, can effectively socialize such entities into compliance with international law is, quite simply, akin to attempting to hold back the tide with a broom.

The original rationale for linking PMSCs to transnational regulation and human rights obligations becomes tenuous when the entity in question functions as a de facto arm of the state and operates outside competitive markets. To illustrate this, consider Tim Spicer, founder of Sandline International, who once explained:

> ***'[G]iven that a PMC is a business, it is acknowledged that a fundamental law of successful business is that the supplier is only as good as his last contract. Ethical businesses first build a reputation and then work hard to protect it. If a particular PMC performed badly or unethically, exploited the trust placed in it by a client, changed sides, violated human rights or sought to mount a coup, then the company and its principals would find that their forward order book was decidedly thin. Discarding ethical and moral principles can therefore only be a one-time opportunity. The chance will not recur, and the company's prospects would disappear.'***[55]

Spicer's argument underscores the role of market-based accountability in promoting ethical behavior. PMSCs that rely on competitive markets are incentivized to adhere to human rights standards, as their reputations are directly tied to their future prospects. But what happens when PMSCs operate as state extensions, insulated from market pressures? Do these accountability mechanisms not lose their force entirely in such cases? Similarly, Clapham's assertion that 'these firms may be forced to rely on their contractual arrangements with governments to ensure payment, including respect for human rights and humanitarian law as 'essential elements' of any contract' presumes a level of market competition that simply does not exist for state-aligned entities.[56] His suggestion that 'private security firms themselves may be coming to see the advantages of human rights monitoring in order to enter the mainstream and the lucrative possibilities it offers' also becomes irrelevant in cases where PMSCs are not motivated by the prospect of entering competitive markets.

Ultimately, the regulatory frameworks and incentive structures designed for commercial PMSCs prove inadequate when applied to state-backed entities. The assumption that market-based mechanisms can regulate such actors is fundamentally flawed, as their operations are not governed by competition or reputation management but rather by the strategic and political objectives of their state sponsors. This gap highlights a critical shortcoming in current transnational regulations, which are ill-equipped to manage the distinct challenges posed by state-aligned PMSCs.

The following section will outline some of the significant initiatives and frameworks and their shortcomings, that have strived to address the challenges, initially posed by mercenary activity which over time expanded to include the challenges posed by the changing nature of PMSCs.

PLAYING CATCH-UP

The PMSC industry has increasingly moved toward legitimacy and responsibility through (transnational) regulation and self-regulation. Several notable initiatives have emerged in this regard, with one still in the making. In the late 1980s, the UN Commission on Human Rights decided to appoint a Special Rapporteur on the use of mercenaries as a direct response to the scourge caused by mercenaries in post-colonial Africa in the 1960s and 1970s, and the threat posed by the use of foreign mercenary forces by nationalist movements to the right to self-determination of newly-independent states. Its successor, the Working Group on the Use of Mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination—commonly referred to as the Working Group on Mercenaries—was established in 2005 by the United Nations Human Rights Council under Resolution 2005/2, to address the increasing complexity and scope of these entities.[57] Its creation was driven by growing concerns over the use of mercenaries and, more recently, Private Military and Security Companies (PMSCs), particularly in conflict zones and fragile regions. As one of the earliest efforts to address governance gaps, the Working Group aimed to hold states accountable, advocate for stronger regulations, establish effective oversight mechanisms, and ensure victims' access to justice—including the potential development of a binding legal instrument.

Contemporaneously, the Montreux Document process was launched in 2006, led by the International Committee of the Red Cross (ICRC) and Switzerland. This initiative aimed to reaffirm states' existing obligations under international law—particularly IHL and human rights law—in relation to the activities of PMSCs. Concerned about allegations of misconduct by PMSCs in armed conflicts and claims that these entities operated in a 'legal vacuum'—a concern echoed in the work of Singer[58]—the Montreux process sought to clarify the applicability of IHL to PMSCs and outline the legal responsibilities of states in regulating their activities.[59] The culmination of this effort, referred to as the Swiss Initiative, was the publication of the Montreux Document in 2008.[60] This document categorizes state responsibilities into three groups based on their relationship with PMSCs: Contracting States (those hiring PMSCs), Territorial States (those where PMSCs operate), and Home States (those where PMSCs are registered, incorporated, or managed).[61] By clarifying states' transnational obligations, the Montreux Document addresses ambiguities in existing principles and facilitates regulatory discussions, although its focus remains confined to contexts of armed conflict.[62] To date, 59 states and three international organizations—the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE), and the North Atlantic Treaty Organization (NATO)—have endorsed the Montreux Document.[63] While industry representatives welcomed the Montreux Document, they noted its reliance on state enforcement mechanisms, as it focuses on leveraging state obligations rather than directly regulating the industry itself.[64]

In response to calls for more direct regulation, Switzerland launched the International Code of Conduct for Private Security Service Providers (ICoC) to address these gaps. The ICoC is a multi-stakeholder initiative led by the Swiss government, aimed at establishing principles and standards for the private security industry, rooted in human rights and international humanitarian law. Its primary goal is to improve accountability through an independent oversight system that includes certification, audits, monitoring, and reporting. Companies that sign the ICoC pledge to adhere to these standards and are encouraged to formally join the Code. In February 2013, the ICoC was further institutionalized with the creation of the International Code of Conduct Association (ICoCA). ICoCA comprises three key stakeholder groups: states or intergovernmental organizations, private security firms, and civil society organizations. Its General Assembly and Board of Directors represent the ICoC's three pillars—promotion, governance, and oversight. ICoCA fulfills these responsibilities by certifying member companies, monitoring their compliance with the Code, and addressing complaints concerning alleged violations of its standards.[65] Despite the initial enthusiasm surrounding ICoCA and the Code, its membership represents only a small fraction of PSCs operating in conflict-affected regions.[66] While this initiative remains a key milestone in regulating and engaging with PCCs in these environments, membership based approaches may not be sufficient to drive industry outliers to change behavior.

Another significant development in the regulation of PMSCs was the establishment of an Open-ended Intergovernmental Working Group (IGWG) in 2010 to explore the possibility of developing an international regulatory framework for the oversight, regulation, and monitoring of PMSCs.[67] Since 2017, its successor has been mandated to elaborate the content of such a framework—without prejudging its legal nature—aimed at protecting

human rights and ensuring accountability for violations and abuses linked to PMSC activities. While this initiative remains a work in progress, with the Working Group now approaching its sixth session, doubts persist as to whether the proposed instrument can offer the flexibility needed to address the increasingly diverse range of situations, clients, and challenges posed by modern PMSCs. Despite the ongoing efforts, states must give this process the attention it requires, especially as calls for a binding instrument from victims' groups and NGOs continue to grow louder.

Despite the significance of such regulatory efforts, they remain insufficient—particularly in ensuring access to justice and remedy for victims and survivors. The limitations of existing frameworks are further highlighted by the PMSC industry's historical ability to deflect criticism and avoid scrutiny through institutional legitimization, primarily via self-regulation.[68] Yet, this strategy, once effective, is now facing mounting challenges as the complexities surrounding PMSCs continue to evolve.

The following section will shift focus to examine key case studies, beginning with an analysis of the critical risks posed by the so-called '1%' of modern PMSCs—those actors that should be of serious concern. By exploring the cases of Russia's Wagner Group, Türkiye's SADAT, and the United Arab Emirates' use of mercenary-like individuals as commercial surrogates, the discussion will highlight challenges related to elusive categorization and the evolving nature of these entities' perceived 'value added.' Ultimately, this analysis aims to underscore the far-reaching implications for regulatory and accountability frameworks.

WHY THEY (SHOULD) MAKE US NERVOUS

The classification of these entities within the realm of irregular warfare isn't the only concern. For starters, this phenomenon is far from new. It's part of a long-standing tradition where Western states delegate military functions to third parties to achieve their strategic and political objectives. Take, for example, MPRI, which worked closely with the U.S. Department of Defense. By providing training and assistance, MPRI enabled the U.S. to sidestep the political risks associated with deploying troops or securing Congressional approval. Similarly, DynCorp, officially engaged in Colombia to support drug crop eradication, has faced accusations of participating in counterinsurgency combat and even CIA rendition operations during the War on Terror. Blackwater went a step further, reportedly aiding the CIA in tracking and assassinating Al Qaeda leaders, conducting covert raids, and acting as an unofficial extension of the agency.[69]

Second, these companies thrive on the exploitation of individuals from impoverished or war-torn countries. This exploitation isn't just unethical—it's deeply troubling. It mirrors colonial-era practices where powerful nations leveraged the resources and labor of less powerful ones to serve their interests.[70]

Third, these companies are being used to keep the autocrat in power by throwing the disarrayed economy a lifeline. This works through the exploitation of natural resources–concessions in return for services provided, without being officially involved–and the selling of arms.[71] And for people enduring conflict and instability, anyone who offers even the slightest prospect of a return to normalcy is welcomed with open arms. Whether they are state or non-state entities, what they call themselves, or the uniforms they wear are entirely irrelevant. This, in part, explains the popularity of groups like Wagner—demonized in the West (and for good reason)—today. As Victor Bisskoin, governor of Ouaka in the Central African Republic, aptly put it: 'When your house burns and you shout, 'Fire! Fire!' you don't care if the water you are given is sweet or salty. All you care about is that it extinguishes the flames.'[72]

Fourth, these entities serve as instruments of power projection, reinforcing authoritarian stability both at home and abroad. Domestically, they help regimes consolidate power by suppressing dissent and opposition. Internationally, they export this authoritarian model by supporting like-minded regimes or factions in exchange for economic or strategic advantages. This dual role not only amplifies the global influence of authoritarian states but also undermines democratic norms. In doing so, they perpetuate cycles of conflict and repression, destabilizing entire regions.[73]

Finally, these entities challenge the principle of reciprocity in IHL. IHL relies on mutual adherence to the rules of war, but proxy military companies often operate outside formal military structures, making accountability nearly impossible. This breakdown increases the risk of violations, from targeting civilians to mistreating prisoners. Worse still, their financial incentives often lie in prolonged instability, further exacerbating conflicts and undermining already fragile states. In such scenarios, the prospect of sustainable peace becomes increasingly distant.[74]

RUSSIA: WITH A FOCUS ON WAGNER

Under Russian law, PMSCs are prohibited, forcing groups like Wagner to operate in a legal gray zone. Wagner is not formally incorporated as a company, which allows it to exist in a blurred space between public and private. This ambiguity has led to various descriptions, including a 'semi-state security force,' a 'quasi-PMSC,' and even a 'quasi-state agent of influence.'[75] Officially, the Russian government distances itself from Wagner, enabling it to operate covertly in politically sensitive contexts, such as securing natural resources or supporting regimes aligned with Moscow's interests.

At first glance, Wagner appears market-driven, negotiating contracts with governments or corporations in exchange for economic or political favors. However, its operations consistently align with Russian state objectives, particularly in regions like Africa. This alignment ensures Wagner serves Moscow's foreign policy goals without explicit state oversight. Yet, this relationship is precarious. The Kremlin retains ultimate authority over Wagner and can intervene—judicially or extrajudicially—if its activities deviate from state expectations. This duality creates a delicate balance: Wagner operates as both a profit-driven entity and a strategic tool of the Russian government.[76] As Marten notes, the quasi-legal status of PMSCs allows Putin and key security agencies like the FSB and GRU to achieve foreign policy objectives outside formal channels such as parliament.[77] Rondeaux builds on this, describing Russian PMSCs as integral components of Moscow's proxy warfare strategy. Far from being independent actors, they are deeply embedded in state-backed operations. Wagner, for instance, recruits heavily from *spetsnaz* veterans and operates under the guidance of Russia's intelligence apparatus, engaging in covert activities such as sabotage, reconnaissance, and influence campaigns. This model not only challenges norms of non-intervention but also enables Russia to discreetly project military power abroad, as seen in Ukraine and Syria.[78] Ultimately, Moscow appears to view PMSCs less as cost-effective alternatives to traditional forces and more as political and military instruments designed to operate with plausible deniability.[79]

TÜRKIYE: WITH A FOCUS ON SADAT

The classification of Turkish PMSCs like SADAT as traditional private military companies is misleading. Unlike conventional PMSCs, SADAT operates as an extension of Turkish state policy, aligning almost entirely with Ankara's strategic objectives. For example, in Syria, SADAT serves as a facilitator between the Turkish government and Syrian proxy fighters. As Powers notes, the company provides logistical support, recruitment, and training to advance Turkey's regional interests. This close coordination with Turkish intelligence and the Ministry of Defense further challenges the notion of SADAT as an independent enterprise.[80] SADAT's role in Operation Euphrates Shield illustrates its deep integration into Turkish state strategy. Syrian fighters trained by the company were tasked with supporting Ankara's goal of preventing Kurdish territorial autonomy along the border. This marks a shift from earlier Turkish support for Syrian insurgents, which was motivated primarily by opposition to the Assad regime. The company's founder, Adnan Tanrıverdi, has openly advocated for creating Sunni Arab and Turkmen regions along the Syrian border, underscoring the ideological alignment between SADAT and Erdoğan's administration.[81] As Arduino observes, SADAT reflects a broader trend of authoritarian states privatizing security while maintaining control. The company's dependence on Erdoğan's favor and its inability to act independently highlight its true nature as a proxy force rather than a genuine private military company. By serving as an intermediary between Ankara and proxy fighters, SADAT provides the Turkish government with plausible deniability and operational flexibility.[82] In sum, labeling SADAT as a PMSC obscures its role as a direct instrument of Turkish state power. Its actions are not guided by profit or private contracts but by Ankara's strategic goals, making it more akin to a state-backed proxy force than a true private enterprise.

UNITED ARAB EMIRATES

The UAE offers a unique case study in the use of outsourced combat surrogates as part of its broader military strategy. As Krieg explains, the UAE has turned to commercial surrogates to address persistent shortages in its military capacity, supplementing its professional forces with foreign fighters. Despite having centralized command structures and deploying Emirati personnel in multinational operations, the UAE's reliance on external forces reveals the constraints of its small population.[83] Surrogates play a key role in the UAE's expeditionary operations, driven less by the privatization of warfare than by the need to augment its domestic military capabilities.[84] This reliance is exemplified in reports, as discussed by Parens, of entities like the Manar Military Company, which sought to recruit foreign fighters for deployment to Yemen and Somalia. Although the UAE denies direct involvement, such efforts

illustrate the use of external forces as extensions of state military objectives. Unlike fully private enterprises, these surrogate forces occupy a hybrid space, combining elements of state control with characteristics of private military operations. Parens suggests that this practice could resemble models like the Wagner Group, with a pragmatic focus on operational flexibility rather than ideological alignment or enduring political alliances. Parens compares this model to the Wagner Group, noting that it prioritizes operational pragmatism over ideological alignment. This approach enables Abu Dhabi to project power abroad while minimizing the political risks associated with deploying its own forces.[85]

With these examples in mind, the following section will advance the argument for adopting a more precise nomenclature: 'proxy military company.' It is contended that this terminology better encapsulates the geopolitical implications of these actors and provides a clearer foundation for identifying effective pathways to accountability.

PATHWAYS TO ACCOUNTABILITY

A NEW NAME – 'PROXY MILITARY COMPANIES'

This new generation of 'PMSCs' has evolved much like antimicrobial resistance—mutating to exploit the gaps in existing legal and regulatory frameworks. These PMSC 'superbugs' thrive in an environment where laws designed for traditional actors struggle to catch and contain them. They identify themselves as PMSCs, and the term is often used interchangeably with 'mercenaries,' depending on the context, the actors involved, or the perspective of those reporting on their activities. Yet, the entities employed by regimes like those in Russia, Türkiye, and the UAE defy traditional categorization. They are neither purely private contractors nor mercenaries, nor do they fit neatly into the conventional definition of PMSCs. They are something new—neither fish, flesh, nor fowl. This emerging '1%' of PMSCs challenges the foundation of existing legal and regulatory systems. Unlike traditional private military companies, these entities are deeply intertwined with the state—or, more precisely, with the individuals who hold state power. This creates a hybrid reality where the line between public and private blurs almost beyond recognition. Their operations as combat surrogates further complicate this distinction, positioning them at the intersection of state actors, mercenaries, and PMSCs. This double overlap—a fusion of public and private interests combined with the mercenary-like provision of combat services—is not a legal void. However, it does demand a careful reevaluation of how these entities are classified and regulated. Current frameworks are outdated, addressing a fundamentally different type of actor. If we continue to mislabel and misunderstand them, our efforts to create effective oversight will remain inadequate.

Given the elusive nature and ambiguous structure of contemporary PMSCs—which are neither traditional mercenaries nor fully autonomous private companies—it is more appropriate to conceptualize them as *contractual proxies*. This framing provides a more nuanced understanding of their role, explains the apprehension they often provoke, and illuminates the legal and political implications surrounding their use. From the standpoint of analytical precision and clarity, there are compelling reasons to favor terms such as 'proxy military companies' or 'contractual proxies' over the commonly used 'PMSC.' The term *private* is particularly misleading, as it suggests independence from state influence and obscures the intricate and frequently covert relationships these entities maintain with governments. Despite their nominally private status, such organizations often function as extensions of state military power, leveraging deep operational, financial, and strategic connections to advance state interests while maintaining plausible deniability.

The term *proxy* more accurately reflects their role as intermediaries acting on behalf of state actors. Referring to these entities as proxies or contractual proxies sharpens the focus on their accountability structures. Unlike independent private enterprises, these organizations operate under contractual arrangements with sponsoring states, which shape their objectives, constraints, and chains of authority. Recognizing this dependency highlights the blurred boundaries between public and private roles in conflict, underscoring the degree of state influence over these groups' activities. Furthermore, adopting more precise terminology improves the analysis of international security dynamics. Identifying these entities as proxies allows for a clearer understanding of their relationships with state actors, their strategic purposes, and their roles in hybrid warfare.

Conceptually, the connection is evident. For instance, Mumford defines proxy warfare as the 'indirect engagement in a conflict by third parties wishing to influence its strategic outcome.'[86] Pfaff describes the strategy of proxy warfare as 'the use of surrogates to replace, rather than augment, benefactor assets or capabilities.'[87] Similarly, Innes

highlights the 'symbiosis between state and non-state actors' that characterizes sponsor-proxy relationships.[88] Therefore, adopting terminology such as Kinsey's 'proxy military company'[89] or Fox's 'contractual proxy'[90] is advisable. These terms clarify the specific nature of agent-proxy relationships—particularly their strong interdependence and low agency costs on the part of proxies[91]—while also emphasizing the thorny issue of accountability. Specifically, they draw attention to the challenges of establishing state responsibility within this context, a matter that remains both legally and politically fraught.

ENABLING RESPONSIBILITY

STATE RESPONSIBILITY

Responsibility for wrongful acts committed by proxy military companies can be attributed to a state under international law, but the conditions for such attribution are narrowly defined. The International Law Commission's (ILC) Draft Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) (ARS) outline three primary bases for attribution: (1) when the PMC functions as a *de jure* or *de facto* state organ (Article 4), (2) when the PMC is authorized to perform governmental functions (Article 5), or (3) when the proxy acts under the state's instructions, direction, or control (Article 8). These frameworks are stringent, reflecting the challenges of holding states accountable for the actions of PMCs operating in ambiguous legal and operational environments.

Under Article 4, proxy military companies may qualify as *de jure* state organs if they are formally incorporated into a state's military or government structures. However, this is rare, as proxy military companies are often designed to operate outside formal state control to allow plausible deniability. Alternatively, a proxy military company can qualify as a *de facto* state organ if it operates in 'complete dependence' on the state and functions as a mere instrument of the state's will. This standard, as established by the International Court of Justice (ICJ) in the *Bosnian Genocide* case, requires that the proxy military company lack meaningful independence and operate under the state's strict control.[92] For example, if a state fully funds, supplies, and directs a proxy military company's operations—such that the proxy military company's identity is indistinguishable from the state's—the conduct may be attributed to the state as a *de facto* organ. However, in most cases, proxy military companies maintain significant operational independence, generate revenue from diverse sources (e.g., private contracts or foreign governments),[93] and make autonomous decisions, all of which could undermine their classification as *de facto* state organs.

Article 5 of the ARSIWA addresses situations where a proxy military company is not a state organ but is empowered by domestic law to perform governmental functions, such as engaging in combat or maintaining public security. For a state to be held responsible under this provision, it must explicitly authorize the proxy military company to exercise such functions on its behalf. However, many proxy military companies operate in legal gray zones, lacking clear legal authorization under domestic law. In some cases, states deliberately avoid formalizing these relationships to evade accountability while benefiting from the proxies' activities. Nonetheless, evidence of substantial state funding, strategic guidance, or public admissions by state officials can support claims that a proxy military company is empowered to perform governmental functions, even in the absence of explicit legal authorization.

Finally, Article 8 extends state responsibility to cases where a proxy military company acts under the instructions, direction, or control of the state. The ICJ's 'effective control' test requires specific evidence that state officials exercised operational or tactical control over the proxy military company's conduct, particularly with regard to specific wrongful acts.[94] This is a highly demanding standard, as general support—such as funding or logistical assistance—is insufficient to satisfy the effective control test.

In sum, while proxy military companies often advance state interests and receive substantial support from states, their ambiguous legal status, operational independence, and diverse sources of funding typically preclude their classification as *de facto* state organs or entities performing governmental functions. Similarly, the high evidentiary threshold for proving effective control over specific wrongful acts makes it difficult to attribute their actions to states under Article 8.

ENTITY AND INDIVIDUAL RESPONSIBILITY

Accountability must extend to both the organizations themselves and the individuals within them. Modern PMSCs—or proxy military companies—often escape traditional market-driven incentives for transparency and compliance. This is especially true for state-linked entities shielded by government sponsorship. Legal reforms can address this gap by requiring companies to register and disclose their operations, regardless of any ties to state

actors. Such measures would impose regulatory oversight and create a legal foundation for pursuing accountability in both civil and criminal courts.

Equally critical is holding individuals accountable. Commanders, executives, and operatives within these organizations must face personal liability for actions that violate international law, including war crimes and human rights abuses. Mechanisms like universal jurisdiction and targeted sanctions provide pathways for prosecution or restricting their ability to operate internationally. However, challenges remain. How do you collect evidence in war zones? How do you establish jurisdiction when these actors operate in fragile or corrupt legal systems? These practical obstacles must be addressed to ensure justice is served.

In this light, the prosecutions of Jan Petrovsky in Finland and two Wagner operatives in Poland reflect a critical step forward in holding 'employees' of proxy military companies accountable. Petrovsky, a commander in the Wagner-linked Rusich group, faces charges of atrocities committed during the 2014 Donbas conflict, including the ambush and mutilation of Ukrainian soldiers.[95] By prosecuting Petrovsky, Finland is showing how national courts can step in to address war crimes that international mechanisms cannot reach or overlook. At the same time, Poland's case against two Wagner operatives—charged with recruiting mercenaries and spreading propaganda—shows another way legal systems are pushing back against the broader threats posed by hybrid warfare.[96] Both cases also shed light on the troubling links between the proxy and the state, from government-issued false identities to evidence of direct funding and training.[97] These revelations lay bare how these groups operate as covert extensions of state power. Viewed in this light, these trials are about more than just seeking justice—they are also tools for uncovering the inner workings of paramilitary networks.

For years, PMSCs have been excluded from the mainstream Business and Human Rights (BHR) agenda due to their association with mercenary activities. However, the Open-Ended Intergovernmental Working Group on Private Military and Security Companies (IGWG) is now working to reintegrate these entities into the BHR discourse. Advocates are pushing for a legally binding framework to replace the voluntary measures that have proven ineffective in the past. Yet this effort faces a critical challenge: how to avoid creating a patchwork of vague and unenforceable rules. To succeed, the framework must adhere to the three pillars of the BHR principles—Protect, Respect, and Remedy—and ensure legal clarity and pragmatic enforcement mechanisms.

The fast-evolving nature of PMSCs further complicates regulation. These companies frequently change clients, services, and operational contexts, making them difficult to monitor. Any future regulatory instrument—whether binding or voluntary—must account for this fluidity. It must be realistic in scope, grounded in clear legal principles, and adaptable to the unique challenges of this sector.

At the regional level, the EU Corporate Sustainability Due Diligence Directive (CSDDD) and the Corporate Sustainability Reporting Directive (CSRD) present a promising avenue for enhancing accountability. These directives apply to PMSCs operating within the EU or engaging indirectly with EU markets. By requiring companies to conduct due diligence in high-risk environments and to publish regular reports on the social and environmental risks they face—as well as the impact of their activities on people and the environment—they have the potential to significantly improve transparency and oversight. However, their effectiveness will depend on how the directives are transposed into national legislation and, in turn, how well PMSCs implement these measures in complex operational contexts. Furthermore, the classification of these entities—based on their size, structure, operations, and ties to EU jurisdictions—will play a key role in determining how they are regulated; notwithstanding that they may not capture the challenge of the infamous 1%.

In sum, accountability for PMSCs must be approached on multiple fronts. Corporate and individual liability are essential to ensuring transparency and justice. International frameworks like the IGWG's efforts to integrate PMSCs into the BHR agenda, along with regional initiatives like the EU CSDDD, offer pathways forward. However, these efforts must be grounded in legal clarity, practical enforceability, and a nuanced understanding of the fast-changing nature of this sector. Without such measures, the troubling lack of accountability for these powerful actors will continue to undermine international law and human rights.

DISRUPTIVE APPROACHES HELP FILL THE GAP: FROM OPEN-SOURCE INTELLIGENCE (OSINT) TO STRATEGIC LITIGATION

When traditional pathways for accountability prove ineffective or are exhausted, disruptive approaches step in to fill the gap, offering new and innovative means to address the challenges posed by proxy military companies. Two key strategies—strategic litigation and open-source intelligence (OSINT)—have emerged as powerful tools in this effort.

Strategic litigation plays a crucial role in holding individuals and organizations accountable while simultaneously clarifying legal standards and closing regulatory gaps. High-profile lawsuits can expose how states use proxy military companies to evade direct responsibility for violations of international law. Civil society organizations, advocacy groups, and legal practitioners often spearhead these efforts, leveraging domestic and international legal frameworks to challenge impunity. When national-level accountability mechanisms are insufficient or unavailable, litigators may turn to international bodies such as the International Criminal Court (ICC), regional human rights courts, or universal jurisdiction principles that allow certain crimes to be prosecuted beyond national borders. Additionally, growing international efforts are urging stronger mechanisms for accountability. For instance, calls have been made to the HRC to consider establishing an independent international commission of inquiry to investigate alleged violations of international human rights law and international humanitarian law committed by members of the Wagner Group and affiliated entities in Ukraine and concerned African countries.[98] Such a commission would seek to establish the facts, collect, consolidate, and analyze evidence of these violations, and preserve such evidence for potential cooperation in future legal proceedings. Furthermore, strategic litigation can involve civil suits in jurisdictions where companies operate, targeting their financial assets, contracts, and reputations. Successful cases may result in fines, asset freezes, and compensation for victims, but their broader impact lies in bringing public attention to abuses and pressuring regulatory reforms.

OSINT has revolutionized efforts to document and expose proxy military company activities by leveraging publicly available data such as satellite imagery, social media posts, and online videos. Analysts can use these sources to track troop movements, verify incidents, and link specific actors to violations of international law. For instance, a single social media post by a PMSC operative can reveal their location, timeline, and involvement in a conflict, offering critical evidence for legal action or sanctions enforcement. Beyond documentation, OSINT contributes to real-time monitoring and early warning systems, providing policymakers, journalists, and legal teams with actionable insights. Collaborative efforts between investigative journalists, human rights organizations, and intelligence analysts have led to significant breakthroughs, including the identification of human rights violations and the exposure of illicit networks operating under the guise of legitimate security operations. As more formal pathways are tested and considered—such as strategic litigation or the call to consider the creation of a United Nations Human Rights Council independent international commission of inquiry to investigate alleged violations of international human rights law and international humanitarian law committed by such entities—OSINT creates an enduring record that can enhance accountability efforts and inform regulatory responses, by building a comprehensive digital trail.

When used in conjunction, strategic litigation, OSINT, and targeted sanctions form a powerful triad for addressing the complexities of modern PMSCs. OSINT provides the evidence, litigation seeks justice through legal channels, and sanctions apply financial and operational pressure to disrupt their activities. Together, these tools can weaken PMSC networks, deter future misconduct, and contribute to the development of stronger international accountability frameworks. While these disruptive approaches are vital, addressing the challenges posed by PMSCs requires a broader, more holistic strategy. Effective regulation, accountability for both individuals and companies, and clearer definitions of PMSC roles within legal frameworks are all necessary to close existing loopholes. The way these entities are classified and labeled has a direct impact on how they are governed, making it essential to establish precise and enforceable international standards. Ultimately, stronger international cooperation and commitment to oversight are key to ensuring PMSCs operate within legal and ethical boundaries.

CONCLUSION

This paper has demonstrated the need to critically reassess the unique challenges posed by the rise of atypical PMSCs—entities that defy traditional categorization and operate in a complex gray zone between private enterprise, state actors, and mercenaries. These hybrid entities, better understood as 'proxy military companies' or 'contractual proxies,' often function as extensions of state power while maintaining the facade of privatization. Exploiting gaps in existing legal and regulatory frameworks, they engage in activities ranging from combat surrogacy to resource exploitation, exacerbating instability, undermining human rights, and complicating efforts to ensure accountability. While earlier frameworks such as the Montreux Document and the ICoC laid the groundwork for regulating the broader PMSC industry, they fall short of addressing the intricacies of these hybrid actors, whose operations blur the lines between public and private roles. Moreover, the current legal norms—rooted in outdated definitions of mercenaries and state responsibility—fail to adequately encompass the strategies and structures of proxy military companies. This oversight fosters impunity, allowing these entities to circumvent accountability while advancing the geopolitical objectives of their state sponsors. To address this evolving challenge, this paper proposes reframing these actors through more precise terminology, such as 'proxy military companies.' Doing so not only clarifies their functional dependence on state sponsors but also emphasizes the need for innovative regulatory and legal responses tailored to their hybrid nature. Accountability mechanisms must go beyond individual liability to address the structural interplay between states and their proxies, incorporating stringent standards for transparency, oversight, and enforcement. Additionally, the integration of disruptive approaches—such as OSINT, evidence-based advocacy, and strategic litigation—offers a promising path forward. These tools empower civil society, enhance transparency, and expose the covert activities of proxy military companies, creating new opportunities for justice and reform. However, effective regulation also demands greater multilateral cooperation and stronger international frameworks that account for the fluid and adaptive nature of these entities. Ultimately, the rise of proxy military companies underscores a broader crisis in the norms governing modern conflict and global security. Addressing their destabilizing influence requires not only updated legal and regulatory frameworks but also a renewed commitment to upholding the principles of international humanitarian law, human rights, and state responsibility. The stakes are high: as these entities continue to reshape the landscape of warfare and influence, the global community must act decisively to close the accountability gaps they exploit.

END NOTES

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